

court an information against Norden Laboratories, a corporation, Lincoln, Nebr., alleging shipment by said defendant within the period from on or about June 1 to on or about June 13, 1938, from the State of Nebraska into the State of Kansas, of quantities of Normal Nux and Mercurial Eye Ointment which were adulterated and misbranded, and of Santonin and Calomel Tablets which were misbranded in violation of the Food and Drugs Act.

Adulteration of Normal Nux was alleged in that its strength and purity fell below the professed standard and quality under which it was sold, since the label represented that it contained 14.6 grains strychnine and brucine sulfates per fluid ounce; whereas it contained not more than 11.0 grains of strychnine and brucine sulfates per fluid ounce. Misbranding of Normal Nux was alleged in that the label statement "Each fluid ounce contains: Strychnine and Brucine Sulphates 14.6 grs." was false and misleading, for the reason that each fluid ounce of the article contained less than 14.6 grains of strychnine and brucine sulfates, i. e., not more than 11.0 grains.

Adulteration of Mercurial Eye Ointment was alleged in that its strength and purity fell below the professed standard and quality under which it was sold, since the label represented that it contained 1 percent yellow mercuric oxide; whereas the proportion of mercuric oxide varied from 0.68 to 0.89 percent. Misbranding of Mercurial Eye Ointment was alleged in that the label statement, "Mercurial Eye Ointment Contains: Yellow Mercuric Oxide 1%," was false and misleading for the reason that the article contained less than 1 percent mercuric oxide, i. e., proportions varying from 0.68 to 0.89 percent.

Misbranding of the santonin and calomel tablets was alleged in that the label statement, "Certified Santonin and Calomel Tablets Santonin $\frac{1}{2}$ gr. Calomel $\frac{1}{2}$ gr.," was false and misleading since it represented that each tablet of the article contained $\frac{1}{2}$ grain of santonin and $\frac{1}{2}$ grain of calomel; whereas each tablet of the article contained more than $\frac{1}{2}$ grain of santonin and more than $\frac{1}{2}$ grain of calomel, i. e., not less than 0.548 grain of santonin and 0.623 grain of calomel.

On May 5, 1939, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30621. Misbranding of gauze bandages. U. S. v. 119 Dozen Packages of Gauze Bandages. Default decree of condemnation and destruction. (F. & D. No. 44922. Sample No. 49014-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to be contaminated with viable micro-organisms. It was labeled to indicate that it was appropriate for use as a surgical dressing and consisted of 10-yard rolls; whereas it was not appropriate for such use and the rolls were much shorter than 10 yards. Some rolls consisted of short pieces sewn together.

On March 2, 1939, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 119 dozen packages of gauze bandages at Boston, Mass.; alleging that the article had been shipped by Meditex Supply Co. on or about January 30, 1939, from New York, N. Y.; and charging misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Doctors' and Nurses' Gauze Bandage." The remainder was labeled in part: "Physicians and Surgeons' Gauze Bandage."

Misbranding was alleged in that the statement "Doctors' and Nurses' Gauze Bandage" and the picture of a nurse on the label, were false and misleading since it created the impression that the article was appropriate for the use of doctors and nurses; whereas it was not so appropriate but was contaminated with viable micro-organisms. A second allegation of misbranding was that the statement "2 inches . 10" upon a package of the size ordinarily used for the packaging of bandages 2 inches wide and 10 yards long was false and misleading, since the length of the bandage was materially less than 10 yards. A third allegation of misbranding was that the statement "Gauze Bandage" appearing upon the cartons was false and misleading, since the article in certain of the packages was not woven continuously as the term "Gauze Bandage" implied, but consisted of short pieces sewn together.

On May 8, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*